

REMARKS

Claims 1-25 and 42-67 are pending in the application. The applicants would like to thank the examiner for the courtesy of the telephonic interview conducted on March 17, 2007 with Applicant's representatives Han Gim and David Platz. The contents of the interview are included in the following remarks.

Humpleman

Claims 1-25 and 42-67 stand rejected under 35 U.S.C. § 103 as being unpatentable by U.S. patent no. 6,243,707 ("Humpleman") in combination with various references. As explained during the interview, Humpleman discloses a home network in which each networked home device is associated with one or more HTML files that define the control and command functions associated with the device. The HTML files define specific GUIs for display on a browser based DTV. See, for example, Humpleman column 6 lines 63-64 ("each home device sends its custom GUI to the browser based DTV"). As is known in the art, such custom GUIs specifically define the user interface layout and its user interface features (e.g., forms and radio buttons) and are not customizable by the user. The device-specific HTML files are limited to display devices capable of rendering the files according to the custom GUIs as defined therein. In contrast, claim 1, as amended, recites

receiving by the universal console a canonical user interface description representative of the computing element's user interface, wherein said canonical user interface description is independent of said interface mode, said canonical user interface description comprising at least one action-command operable to control said computing element;

instantiating a customized user interface in accordance with said interface preference and the canonical user interface description;

(emphasis added). Because the user interface description is canonical, the interface is not limited to a particular interface design or interface mode. The user interface can thus be manifested in accordance with the type of universal console device and the preferences of the user while adhering to the canonical user interface description. Such a customized interface may provide a visual or non-visual user interface that takes into account the user's preferences or disabilities.

For example, a volume control interface can be manifested visually as a sliding selector, a series of discrete radio buttons, or a series of choices on a touchscreen. Alternatively, the volume control can be manifested as text-to-speech instructions in conjunction with programmable buttons on an audio based interface device. The various manifestations of the user interface can be instantiated without the need for updated interface description files from the network device. In contrast, in the system disclosed by Humpleman, each networked home device is associated with a specific GUI for that device and is not customizable. Furthermore, if the user interface device or the user preferences are not supported by the associated HTML files, the device's GUI will not be displayed properly if at all. During the March 17 interview, the Examiner agreed that claim 1, as amended, patently defines over the cited passages from Humpleman, alone or in combination with the other references cited by the Examiner. Applicants have made similar amendments to claims 42 and 67. Applicants respectfully request reconsideration of the rejection of claims 1, 42, and 67.

Braun et al.

Applicants additionally submit that the combined disclosures of Humpleman and U.S. Pat. No. 6,448,977 (Braun et al.) do not create a *prima facie* case of obviousness of applicants' claims 1, 42 and 67 because the Examiner has failed to provide a sufficient reason as to why one skilled in the art would arrive at the claimed subject matter. To support such a *prima facie* case of obviousness, the Examiner is required to present objective reasons why a person of ordinary skill in the art would find it obvious to select among the disclosures of the various technologies described by the cited references so as to arrive at Applicants' claimed invention. See MPEP § 2141:

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 1, 14, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at 14, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval)

(emphasis added). In the Office Action, the Examiner contends that “it would have been obvious ... to combine Braun’s teaching with method of Humpleman in order to provide user with an invention is directed to a low-cost haptic feedback device connected to a computer system...” (Office Action p. 4). Applicants respectfully submit that the Examiner has not articulated any rationale why one skilled in the art would combine the references in the manner claimed. Absent such rationale, the Examiner’s argument for unpatentability amounts to stating that it would have been obvious to combine the prior art because the Applicants have taught such a system, thus relying on improper hindsight to select disparate aspects of the prior art and assemble them in the manner recited by Applicants’ claims.

Accordingly, for at least these reasons Applications respectfully request reconsideration of the rejection of claims 1, 42 and 67.

Conclusion

For at least the above reasons, applicants respectfully submit that claim 1 is allowable. Independent claims 42 and 67 recite similar limitations as claim 1, and thus are allowable for similar reasons. Dependent claims 2-25 and 43-66 are also allowable, at least by virtue of their dependency from the allowable independent claims. Favorable consideration and passage to issue of the application at the examiner’s earliest convenience is earnestly solicited.

Should the examiner have any further suggestions for expediting the prosecution of the presently pending claims, the undersigned respectfully asks the examiner contact him at 206-332-1386.

Date: March 25, 2008

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